

Office of the Attorney General
State of Tennessee

*1 Opinion No. 99-219
November 4, 1999

Emergency Dispatchers: Conflicts of Interest

The Honorable Ronnie Davis
State Representative
215 War Memorial Building
Nashville, TN 37243-0111

QUESTION

Is there a conflict of interest in violation of law for an emergency dispatcher who is an employee of an **emergency communications** district to also be an employee of a bonding company or of an attorney?

OPINION

No statute directly prohibits an individual who works as an emergency dispatcher for an **emergency communications** district from also working as the employee of a bonding company or of an attorney. Under Tenn. Code Ann. § 12- 4-101, the general state conflict of interest law, the employee could not be directly interested in any contract that the employee, in such capacity, had a duty to vote for, let out, overlook, or in any manner superintend. This statute would not apply where the employee has no such duty. Whether an emergency dispatcher who also works as an employee of a bonding company or of an attorney would be involved in an illegal conflict of interest depends on the capacity in which the employee works and the standards to which, in that capacity, the individual would be subject.

ANALYSIS

This request asks whether there is a conflict of interest in violation of law for an individual who works as an emergency dispatcher for an **emergency communications** board to work as an employee of a bonding company or an attorney at the same time. As a general matter, we have found no statute that would prohibit an individual from working as an emergency dispatcher and as an employee of a bonding company or as an employee of an attorney at the same time. Subsection (a) of the general conflict of interest provision, Tenn. Code Ann. § 12-4-101, prohibits any officer, committee person, director "... or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract" in which a political subdivision may be interested, to be directly

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interested in any such contract. Directly interested means any contract with the official personally or with any business in which the official is the sole proprietor, a partner, or the person having the controlling interest. Under this provision, an employee of an **emergency communications** district could not be directly interested in any contract that the employee, in such capacity, had a duty to vote for, let out, overlook, or in any manner superintend. If the employee has no such duty, then this statute would not apply.

The question then becomes whether an emergency dispatcher for an **emergency communications** district would be involved in an illegal conflict of interest if he or she also works for a bonding company or an attorney. **Emergency communications** districts are created and operate under Tenn. Code Ann. § 7-86-101, et seq. Tenn. Code Ann. § 7-86-201 sets forth the qualifications for a public safety dispatcher. This statute does not establish any specific standards regarding conflicts of interest. Tenn. Code Ann. § 7-86-201. It should be noted that state law has also created an **Emergency Communications** Board with the power to advise **emergency communications** districts. Tenn. Code Ann. §§ 7-86-301, et seq. Powers of the **Emergency Communications** Board include the power to provide technical assistance and to establish technical operating standards for **emergency communications** districts. Tenn. Code Ann. § 7-86-306. **Emergency communications** districts may therefore wish to consult with this board in dealing with the issue of outside employment by an emergency dispatcher. Our research has found no regulations promulgated by the Federal Communications Commission regarding emergency dispatchers. The **emergency communications** district may wish to consult with the Federal Communications Commission to determine whether it has promulgated regulations or standards applicable in this area.

*2 Statutes regulating bail bondsmen prohibit "any person while serving as a constitutionally elected peace officer, or as such officer's deputy, or any duly elected or appointed county official" to act directly or indirectly as a professional bondsman. 1999 Tenn. Pub. Acts ch. 13, § 2. This statute would not appear to prohibit an emergency dispatcher working for an **emergency communications** district from acting directly or indirectly as a professional bondsman. Finally, we are not aware of any statute that would generally prohibit an emergency dispatcher working for an **emergency communications** district from also working for an attorney. Whether any particular use of information obtained by an emergency dispatcher in that dispatcher's capacity as an employee for a bail bondsman or an attorney might violate a statute, ethical standard, or policy would depend on the particular facts and circumstances.

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